

EDUCATED UNEMPLOYED—STATISTICS OF

157. **Mr. E. Ikkanda Warriar** (*Cheruthuruthi*): Will Government be pleased to state.—

(a) whether they have any idea of the educated unemployed in the State;

(b) if so, what their number is?

Mr. P. V. Raphael (*Joint Secretary to Government*):

(a) and (b) Statistics on the point are under preparation.

MALABAR HOTEL—LICENSING OF

158. **Mr. C. R. Iyyunni** (*Trichur-South*): Will Government be pleased to state whether the correspondence regarding the taking of license by the Malabar Hotel situated in the Willingdon Island has come to a close?

Mr. P. V. Raphael (*Joint Secretary to Government*): No. The question of licensing the D & O trades on the Willingdon Island is still under correspondence with the Government of India.

Mr. C. R. Iyyunni (*Trichur-South*): May I know, Sir, how much time the Government will take to get the correspondence closed finally?

Mr. P. V. Raphael (*Joint Secretary to Government*): We will close it when we get a final reply.

Mr. C. R. Iyyunni (*Trichur-South*): How much time do you expect to have the correspondence closed?

Mr. P. V. Raphael (*Joint Secretary to Government*): We must get the reply from the Government of India.

Mr. C. R. Iyyunni (*Trichur-South*): May I know, Sir, whether the hotels and other institutions that are conducted there are still run without license?

Mr. P. V. Raphael (*Joint Secretary to Government*): Yes.

Mr. A. B. Salem (*Mattancheri*): May I know, Sir, whether liquor that is going into the Malabar Hotel in the Willingdon Island passes through Cochin territory?

Mr. P. V. Raphael (*Joint Secretary to Government*): Yes.

Mr. A. B. Salem (*Mattancheri*): Is there any other way for goods coming to the Malabar Hotel except by passing through Cochin territory?

Mr. P. V. Raphael (*Joint Secretary to Government*): No.

Mr. A. B. Salem (*Mattancheri*): Is not the Willingdon Island under Cochin's jurisdiction?

Mr. P. V. Raphael (*Joint Secretary to Government*): Yes. Nobody ever questions that.

Mr. A. B. Salem (*Mattancheri*): When liquor is landed near or at the Malabar Hotel, is it not being landed in Cochin territory?

Mr. P. V. Raphael (*Joint Secretary to Government*): Yes.

Mr. A. B. Salem (*Mattancheri*): If it is not covered by license, could not the liquor be confiscated?

Mr. P. V. Raphael (*Joint Secretary to Government*): The point at issue between the Government of India and ourselves is about the licensing of D. and O. trades. License for D. and O. Trades is one thing; license for sale of foreign liquor in the Malabar Hotel is another thing. The latter has been licensed by this Government under the Abkari Act and Rules.

Mr. A. B. Salem (*Mattancheri*): That is not the point. The point at issue is this. I am asking whether the Government cannot confiscate liquor landed in Cochin territory and which is not covered by a license. Can I carry two bottles of liquor to the Willingdon Island without license either from the Excise Department or from the responsible officer concerned? There is no use shirking your responsibility. If you cannot do your duty, resign your places and we will find others who will act.

Mr. P. V. Raphael (*Joint Secretary to Government*): License fees and gallonage fees are being collected.

Mr. C. R. Iyyunni (*Trichur-South*): That is for liquor and tobacco, but what about conducting the hotel? May I know, Sir, how many trades coming under the D. and O. are conducted in the Willingdon Island?

Mr. P. V. Raphael (*Joint Secretary to Government*): I want notice.

Mr. V. K. Krishnankutty (*Ezhuvas-Trichur*): May I know, Sir, when exactly the correspondence with the Government of India began?

Mr. P. V. Raphael (*Joint Secretary to Government*): About a year ago.

Mr. C. R. Iyyunni (*Trichur-South*): May I know, Sir, what exactly was the necessity for corresponding with the Government of India with regard to the licensing of D. and O. trades? Is it at the instance of the Cochin Government or at the instance of the Port Authorities that the correspondence began?

Mr. P. V. Raphael (*Joint Secretary to Government*): The Port Authorities raised some objections.

Mr. C. R. Iyyunni (*Trichur-South*): May I know the nature of the objections?

Mr. P. V. Raphael (*Joint Secretary to Government*): I want notice. I have not got the full file here.

Mr. C. R. Iyyunni (*Trichur-South*): Will the Government be pleased, if further questions are put, to give the nature of the objections?

Mr. P. V. Raphael (*Joint Secretary to Government*): If you put a specific question, we will consider about it.

Mr. V. K. Krishnankutty (*Ezhuvas-Trichur*): May I know, Sir, whether the Abkari Act is applicable to the Willingdon Island?

Mr. P. V. Raphael (*Joint Secretary to Government*): Yes.

മിസ്റ്റർ ബി. എം. പീറ്റർ: വില്ലിംഗ്‌ടൺ ഐലണ്ടിൽ ഉപയോഗിച്ചു വരുന്ന രസീതു സ്റ്റാമ്പു കൊച്ചി ഗവണ്മെണ്ടു വകയോ ബ്രിട്ടീഷ് ഗവണ്മെണ്ടുവകയോ?

Mr. P. V. Raphael (*Joint Secretary to Government*): I believe that does not arise from the main question.

Mr. V. J. Mathai (*Planters*): Do you want the permission of the Government of India to issue a license, for example, in the Mulanthuruthi village?

Mr. P. V. Raphael (*Joint Secretary to Government*): No.

Mr. V. J. Mathai (*Planters*): Is the Willingdon Island part of the Cochin territory?

Mr. P. V. Raphael (*Joint Secretary to Government*): It is certainly part of our State. The only thing is, we had to undertake some correspondence with the Government of India with a view to consider the objections raised by the Port Authorities with regard to our proposals for licensing D. and O. trades.

മിസ്റ്റർ വി. കെ. കൃഷ്ണകുട്ടി: ലൈസൻസ് ഫീസ്സ് തന്നാൽ പിന്നീട് അവരുടെ ആക്ഷേപം ശരിയാണെന്നു കാണുന്നപക്ഷം അതു മടക്കിക്കൊടുക്കുവാൻ വിരോധമില്ല. മനിസിപ്പാലിറ്റികളിൽ സാധാരണ അങ്ങിനെ ചെയ്യാറുണ്ട്.

Mr. A. B. Salem (*Mattancheri*): May I know, Sir, who raised the objections first?

Mr. P. V. Raphael (*Joint Secretary to Government*): The Port Authorities.

Mr. A. B. Salem (*Mattancheri*): Can you not, under the law, brush aside such objections?

Mr. M. Sivarama Menon (*Advocate-General*): Sir, the Port Authority has no independent existence apart from the Government of India until a Port Trust Act is passed and a

separate Port Trust is constituted. The administration of the Port, though vested in the Administrative Officer, is directly under the control of the Government of India, as Cochin is a Major Port, and any objection taken by the Harbour Authority has necessarily to be taken to the notice of the Government of India. The correspondence will thereafter be between the Government of India and the Cochin Government and not directly between the Port Authority and the Cochin Government. It is not correct now to compare the Port Authority with a Municipality in the State, which has got an independent statutory existence. That may most probably come into being when the Port Trust is constituted. Therefore, with regard to the license fee or any other fee that is leviable under the laws of Cochin, if objection is raised by the Port Authority, it has to go before the Government of India, and has to be finally decided between the Government of India and the Cochin Government and not between this Government and a subordinate executive body like the Port Authority.

Mr. A. B. Salem (*Mattancheri*): Am I to understand that the objection with regard to this was received from the Government of India and not from the Administrative Officer here or the Port Authority?

Mr. M. Sivarama Menon (*Advocate-General*): The Port Authority has no independent existence apart from the Government of India. I have already explained to the House that any objection taken by the Port Authority has to be communicated to the Government of India and the Government of India addresses this Government upon the question, and the correspondence then will be between the Government of India and the Cochin Government.

Mr. A. B. Salem (*Mattancheri*): That is why I put this specific question. Did you receive the objection from the Port Authority or the Administrative Officer or from the Government of India in the first instance?

Mr. M. Sivarama Menon (*Advocate-General*): I need not specify the source. But I can assure the Hon'ble Members that all correspondence with regard to such questions relating to the Harbour is directly with the Government of India.

Mr. C. R. Iyyunni (*Trichur-South*): May I know, Sir, whether the Malabar Hotel is conducted by the Spencer and Co., with the permission of the Port Authorities?

Mr. M. Sivarama Menon (*Advocate-General*): Yes. The building is owned by the Port and leased to Spencer and Co., to run a hotel for the purpose of providing amenities for passengers who come by steamers. The Port Authority said that it is necessary

that the control of the health of the Port should be vested with them, and the Government of India intend having a separate Health department in charge of the health of the Port. The plea has been raised that the officers of this State are not necessary for the purpose of effectively supervising and controlling the health department of the Willingdon Island. The Health Officer of the Port will administer health laws promulgated by the Government of His Highness the Maharaja of Cochin, even though that officer is paid out of the assets of the Port Trust. He will not be entitled to administer British laws of health in the Cochin area of the Port and so far as Cochin territory within the area of the Port is concerned, he will have to derive authority from this Government. The jurisdiction of the State will be scrupulously protected. The levy of a license fee is in the nature of a recoupment of expenses incurred for the purpose of services rendered for controlling and regulating the trade. The Government of India say that for purpose of such supervision they will have an officer who will also be our officer but not paid by us, to administer health laws. When, therefore, no expenditure is incurred by this Government for the control of the health of the Port, why should this Government levy license fees for D. & O. trades? This is the position urged by the Government of India and this Government has rebutted this plea as strongly as it can. I may assure the House that our point of view is being very seriously pressed by Government, and the Hon'ble Members of this House need not have any anxiety on that point.

Mr. C. R. Iyyunni (*Trichur-South*): Sir, when we find that the Treasury Bench is not in a position to say what kind of stamps is being used there, whether it is Cochin or British stamps, certainly we are very apprehensive with regard to the power that we can exercise in the Willingdon Island.

Mr. M. Sivarama Menon (*Advocate-General*): I can inform the House that receipts with Cochin State Stamps passed by me have been accepted by the Port Authorities.

Mr. K. Kochukunhan Kaimal (*Vadakkancheri*): Sir, when the question of jurisdiction was decided, has any reservation been made regarding the administration of laws during the transitory period?

Mr. M. Sivarama Menon (*Advocate-General*): There is no reservation of that kind, but Cochin laws alone can be administered within the Cochin area of the Port. There is that reservation.

Mr. K. Kochukunhan Kaimal (*Vadakkancheri*): Then why not apply the law?

Mr. M. Sivarama Menon (*Advocate-General*): We are applying the law. But when they raise the question that they will have a separate staff to control the public health of that area, and that the Cochin State will not have to incur any expenditure by way of supervision, that has to be considered.

Mr. C. R. Iyyunni (*Trichur-South*): May I know, Sir, whether the Hon'ble Minister has any power to see that public health is properly maintained in the Willingdon Island?

Mr. President: The Hon'ble Minister has seen our letter and he will testify to the strong nature of our representation.

Dr. A. R. Menon (*Minister for Rural Development*): In fact I drafted the letter. You cannot complain about the softness of the language used in that letter. When it is a question of a fight between an elephant and an ant, you get the result you are getting now. Let us understand this thing clearly. It is not due to want of exertion or want of a sense of duty or responsibility on the part of the Government that conditions have not improved there.

Mr. K. Ayyappan (*Ezhuvas-Kanayannur*): Have you got any reply from the Government of India?

Dr. A. R. Menon (*Minister for Rural Development*): No. We have sent reminders, but no reply has yet been received. They say the Public Health Department is run by them. Is that so? Who does the vaccination? We do it. Who takes measures when there is an outbreak of epidemic? We do it. What is the fun of saying that we are going to constitute a board on some future date and that that board will appoint a Health Officer to look after the conditions of the Port? I am not a Government servant and I am free to talk. (*Hear, hear*). What is the fun of saying such things? That is the position that we find ourselves in. That is what we have come to.

Mr. President: The question is whether we have taken steps. We have taken steps.

Dr. A. R. Menon (*Minister for Rural Development*): I perfectly agree that everything that could be done by the Government has been done.

Mr. C. R. Iyyunni (*Trichur-South*): How far Cochin has been benefited by the development of the Harbour Fourth Stage, we are now aware.

Mr. M. Sivarama Menon (*Advocate-General*): I may give a piece of information for the information of the House. The Government of India have already sanctioned the appointment of a Health Officer on Rs. 500 for the Cochin Port, even before the constitution

of a Port Trust. The matter came up before the Advisory Committee of which I am a member. The Health Officer is to take charge of the Port Health Administration at no distant date. He will be administering the laws as enacted by this State.

Mr. C. R. Iyyunni (*Trichur-South*): The whole point is whether he will be under the Cochin Government.

Mr. M. Sivarama Menon (*Advocate-General*): He will be under the disciplinary control of the Government of India, but he will be administering the laws of the Cochin Government. Violations of such laws will be triable only in Cochin State Courts.

Dr. A. R. Menon (*Minister for Rural Development*): The House must understand two things. One is the Port Authority's jurisdiction with regard to Port affairs. Then there is the jurisdiction with regard to the whole of the Island. I doubt very much whether the Port Trust of Madras has got any jurisdiction over those areas so far as the D. & O. trades are concerned, whether Karachi has got it, or Calcutta has got it. This is an analogous case. There is no use saying that there is a Health Officer there who will look after the Public Health Department. Suppose a man starts a coffee stall there. How does the Port Authority come in? These are the questions.

Mr. A. B. Salem (*Mattancheri*): May I know, Sir, whether the idea of the Health Officer has not been dropped by the Advisory Board?

Mr. M. Sivarama Menon (*Advocate-General*): Certainly not. The Advisory Committee recommended that in view of the fact that passenger steamers are not arriving on account of the war, there was no necessity for a Health Officer now. But the Government of India has decided to appoint the Health Officer and the communication has been placed before the Advisory Committee.

Mr. President: The question is whether the correspondence has come to a close. We are unnecessarily starting a controversy.

PALLIVASAL ELECTRIC SUPPLY SCHEME

159. Mr. E. Ikkanda Warriar (*Cheruthuruthi*): Will Government be pleased to state.--

(a) whether they have entered into an agreement with the Travancore Government for the supply of electricity from Pallivasal;

(b) if so, (a) the term of the agreement, (b) how they propose to distribute it in the State and (c) when they expect to get the supply?